

**ENTERED**

January 08, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION****KYLE TYSON CHANEY,****Plaintiff,****VS.****J.E. EDDIE GUERRA, et al.,****Defendants.**§  
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§**CIVIL ACTION NO. 7:22-CV-415****ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff Kyle Tyson Chaney's "Application to Proceed Without Prepayment of Fees"<sup>1</sup> which had been referred to the Magistrate Court for a report and recommendation. On December 18, 2023, the Magistrate Court issued the Report and Recommendation, recommendation that the application be **DENIED**, but that Plaintiff be given thirty (30) days to pay the required \$402 filing fee. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>2</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Petitioner's application to proceed without prepayment of fees is **DENIED**. Plaintiff is hereby **ORDERED** to pay the \$402 filing fee within thirty (30) days.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of January 2024.




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Micaela Alvarez  
Senior United States District Judge

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<sup>1</sup> Dkt. Nos. 7 & 16.

<sup>2</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)), *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. April 2, 2012).